

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO: 3:06-cv-00052**

<b>JOHN F. SIMONTACCHI,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>vs.</b>	)	
	)	<b>ORDER</b>
<b>INVENSYS INC.,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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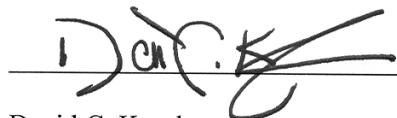
**THIS MATTER IS BEFORE THE COURT** on the Defendant's Motion to Consolidate (Document No. 5) filed on March 16, 2006, Plaintiff's Motion for More Definite Statement (Document No. 7) filed on March 20, 2006, and the Defendant's "Response to Plaintiff's Motion..." (Document No. 8) filed on April 3, 2006.

Based on the pleadings and the arguments of counsel and Mr. Simontacchi, *pro se*, at a hearing held before this Court on April 25, 2006, and for the reasons stated by the Court at the conclusion of that hearing, the Court finds that the Plaintiff's Motion for More Definite Statement is actually a response to the Defendant's Motion to Consolidate. The Court further finds that the Defendant's Motion to Consolidate has merit and should be granted.

**IT IS, THEREFORE, ORDERED** that the Defendant's Motion to Consolidate (Document No. 5) is hereby **GRANTED**; cases John F. Simontacchi v. Invensys Inc., 3:06-cv-00052, and John F. Simontacchi v. Invensys Inc., 3:05-cv-00283 are hereby consolidated. John F. Simontacchi v. Invensys Inc., 3:05-cv-00283 is designated as the lead case, and thus, the consolidated case will be before the Honorable Graham C. Mullen. The Clerk is directed to send copies of this Order to defense counsel, Mr. Simontacchi, and the Honorable Graham C. Mullen.

**IT IS FURTHER ORDERED** that the Plaintiff's Motion for More Definite Statement (Document No. 7) is actually a response to the Defendant's Motion to Consolidate, but to the extent it has been docketed as a pending motion, it is hereby **DENIED**.

Signed: April 26, 2006

  
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David C. Keesler  
United States Magistrate Judge

